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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,314	05/12/2001	Bonnie L. Brown	09854314	7828

7590

02/09/2004

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EXAMINER
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HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/854,314

Applicant(s)

BROWN ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a legend identifying the numerals with corresponding features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants have not pointed out where the new limitations “Business method means” and “service means” are supported, nor does there appear to be a written description of the claim limitations in the application as filed.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The following Claims are rejected under 35 U.S.C. 112, second paragraph.

5. Regarding claims 1-19, the phrase "for example" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

6. Regarding claims 1 and 6, the phrase "a generally represented by Figure 1" renders the claims indefinite because it is unclear what the limitation(s) means.

7. Regarding claims 11 and 15, the phrase "a generally represented by Figure 2" renders the claims indefinite because it is unclear what the limitation(s) means.

8. Regarding claims 2-4 and 7-9, the phrase "etc., as generally represented by Fig 1" renders the claims indefinite because it is unclear what the limitation means.

9. Regarding claims 12-13 and 16-17, the phrase "etc., as generally represented by Fig 2" renders the claims indefinite because it is unclear what the limitation means.

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10. Regarding claims 5 and 10, the phrase "displays (visually, print, and/or by voice, etc.) the message, etc. as generally represented by Fig. 1" renders the claims indefinite because it is unclear what the limitation means.

11. Regarding claims 5 and 10, the phrase "displays (visually, print, and/or by voice, etc.) the message, etc. as generally represented by Fig. 2" renders the claims indefinite because it is unclear what the limitation means.

12. Regarding claim 19, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

13. Regarding claim 19, the phrase "computers, etc.," renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

14. Regarding claim 20, the phrase "other related businesses related to the devices and related messages" renders the claims indefinite because it is unclear what the limitation means.

15. Claims 19-20 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims are not been further treated on the merits.

*Claim Rejections - 35 USC § 102*

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Pepe et al.** (US 5,742,905).

As to Claims 1,6, with respect to Figures 1-2, **Pepe** teaches Email alert devices comprised of:

(a) an energy source means, local or remote (Figure 12 and Col. 16, lines 46-50);

(b) communication means to a local or remote message source (Col. 16, lines 59-65);

(c) one or more sensible means to alert a person that a message has arrived (Col. 20, lines 42-53),

whereby for example only, one or a plural of such devices may be placed in various locations, and when a new email arrives to a connected computer or other message receiving apparatus, an appropriate signal is transmitted to the alert device(s), which then outputs one or more sensible alert(s) as generally represented by Fig 1.

As to Claims 2-5, 7-10, **Pepe** teaches Email alert devices as recited in Claim 1, further comprised of sensible means to provide one additional piece of information associated with the message (Col. 20, lines 42-54),

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whereby for example only, one or a plural of such devices may be placed in various locations, and when a new email arrives to a connected computer or other message receiving apparatus, appropriate signals are transmitted to the alert device(s), which then outputs one or more sensible alert(s) and also provide one additional piece of information, such as the sender's identification, type of message, priority, etc. as generally represented by Fig 1.

As to Claims 11-14,15-18, with respect to Figures 1-2 and 12, **Pepe** teaches Non PC-based mobile devices for alerting users of PC-based messages comprised of:

- (a) an energy source means (Figure 12 and Col. 16, lines 46-50);
- (b) a wireless communication means to a local or remote server or other source (Col. 16, lines 59-65);
- (c) one or more sensible means to alert a person that a message has arrived (Col. 20, lines 42-54);

whereby for example only, one or a plural of such devices may carried or worn or be placed in various locations, and when a new PC-based message arrives to a remote server, connected computer or other message receiving apparatus, appropriate signals are transmitted to the alert device(s), which then outputs one or more sensible alert(s) as generally represented by Fig 2.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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**Homan et al.** (US 6,233,317) teach sending notification of messages to subscribers in different languages.

**Smith et al.** (US 6,333,973) teach an integrated message center which consolidates messages and notify users of the messages.

**Gifford et al.** (US 6,549,612) teach e-mail notification with embedded non-literal messages.

19. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:


(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Allan Hoosain**  
**Primary Examiner**  
1/30/04



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